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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,559	04/15/2004	Udo Arend	09334.0010-00	9133
22852 7590 08/17/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER OSBERG, THUY THANH	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 08/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,559	<b>Applicant(s)</b> AREND ET AL.	
	<b>Examiner</b> Thuy Osberg	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to amendment filed 07/11/2007 to the original application filed 04/15/2004. **This action is made Final.**

Claims 1-16 are pending in the application.

### ***Specification***

2. The disclosure is objected to because of the following informalities:  
On page 2 of the specification, paragraph [002], related applications are blanks and required to be filled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Messinger et al. (US Patent 7,000,187), hereinafter “Messinger”.**

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**As to independent claims 1 and 9**, Messenger teaches method of modifying a user interface (fig. 1, label 20; col. 3, lines 21-37) for displaying structured database information (fig. 1, labels 14a and 14b; col. 4, lines 63-66) in two or more ordered steps (fig. 3A, label 66; col. 6, lines 63-66) in work panes (fig. 2, labels 43 and 50 are the first and second panes (areas); col. 5, lines 63-65) of a window (labels 40a-40e, 40g is the GUI window in all applicable figures; col. 2, lines 21-24; col. 5, lines 45-48), comprising: displaying a first work pane (label 50 all applicable figures; col. 5, lines 63, shown (displaying) in main display area) having a first user interface pattern (col. 6, lines 4-6, providing a coach (guide or pattern)) associated with a first of the two or more sequential steps (fig. 3A, label 66; col. 6, lines 63-66); displaying a second work pane (fig. 2, label 43; second pane (area); col. 5, lines 63-65, that a graphical area is the second pane) after display of the first work pane (label 50 all applicable figures; col. 5, lines 63, shown (displaying) in main display area), the second work pane having a second user interface pattern associated with a second of the two or more sequential steps (col. 5, lines 65-67; col. 6, lines 1-3, provide button for selection that initiates steps (guide/pattern); fig. 9, label 42b, 402a-402e; col. 10, lines 7-12); receiving a command from a user (fig. 1, labels 28, 29b; col. 5, lines 52-55, is a single command from the user via a pull down menu) to display the first work pane and the second work pane simultaneously (fig. 2, labels 43 and 50 are the first and second panes (areas); col. 5, lines 63-65, that the task list 43 and main display area are displayed at the same time);

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and displaying the first work pane and the second work pane in the window (fig. 2, labels 43 and 50 are the first and second panes (areas); col. 5, lines 63-65; label series 40a-40g is the GUI window in all applicable figures; col. 2, lines 21-24; col. 5, lines 45-48).

The difference from claim 9 to claim 1 is Messinger further teaches the system comprising: a memory and a microprocessor in communication with the memory and programmed to (fig. 1, labels 10a-10b; col. 5, lines 7-16; col. 6, lines 36-37, that computers 10a and 10b must have memory in order to function; Abstract, lines 1-7, that the computer 10a and 10b inherently have processor to be able to function).

**As to dependent claims 2 and 10**, Messinger further teaches storing the command from the user (col. 5, lines 32-38, that the commands are stored and linked to the command bar, which can be invoked via drop down menus), so that the user interface always displays the first work pane and the second work pane simultaneously for the user (fig. 2, labels 43 and 50 are the first and second panes (areas); col. 5, lines 63-65, that the task list 43 and main display area are displayed at the same time).

**As to dependent claims 3 and 11**, Messinger further teaches receiving a command from the user to display the first work pane prior to displaying the second work pane (col. 6, lines 4-12, that by selecting the command interface 52 in the main display area 50, triggers the task list 43 that is displayed in the second pane).

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**As to dependent claims 4 and 12,** Messinger further teaches the command from the user is received through a contextual menu (fig. 1, labels 28, 29b; col. 5, lines 52-55, is a single command from the user via a pull down menu).

**As to dependent claims 5 and 13,** Messinger further teaches the first user interface pattern is a form (fig. 9, label 410c; col. 10, lines 27-30, that a form is also known as an outline or a template which provides guidance).

**As to dependent claims 6 and 14,** Messinger further teaches the first user interface pattern is a graph (fig. 9, label 410c; col. 10, lines 27-30; col. 6, lines 32-37, that a graph is also know as a diagram or illustration which provides guidance).

**As to dependent claims 7 and 15,** Messinger further teaches the first user interface pattern is a data object display (fig. 9, label 410c; col. 10, lines 27-30; col. 6, lines 32-37, that a graph is also know as a diagram or illustration which provides guidance or purpose).

**As to independent claims 8 and 16,** Messinger teaches a method of modifying a user interface (fig. 1, label 20; col. 3, lines 21-37) having a first pane for displaying a first user interface pattern (label 50 all applicable figures; col. 5, lines 63, shown (displaying) in main display area; col. 6, lines 4-6, providing a coach (guide or pattern)), a second pane for displaying a second user interface pattern (fig. 2, label 43; second pane (area); col. 5,

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lines 63-65, that a graphical area is the second pane), and a third pane for displaying one or more related actions (fig. 13A, label 400; col. 11, lines 57-67), comprising:

(fig 13A, labels 50, 43, 400; col. 11, lines 57-67, that as shown in screen view 40e all three panes are displayed);

receiving an input from the user to show the second pane as a related action (col. 6, lines 4-12, that by selecting the command interface 52 in the main display area 50, triggers the task list 43 that is displayed in the second pane);

hiding the display of the second pane (col. 12, lines 45-52, that by logging out and disengaging the task list 43 is removing from the display so the selection becomes unavailable);

and adding a link to the second user interface pattern to the one or more related actions (fig. 8, labels 380, 385, 390; col. 9, labels 57-64, that by adding to figure 2, label 43, is establishing a relationship to the second user interface pattern).

The difference from claim 16 to claim 8 is Messinger further teaches the system comprising: a memory and a microprocessor in communication with the memory and programmed to (fig. 1, labels 10a-10b; col. 5, lines 7-16; col. 6, lines 36-37, that computers 10a and 10b must have memory in order to function; Abstract, lines 1-7, that the computer 10a and 10b inherently have processor to be able to function).

***Response to Arguments***

5. Applicant's arguments filed 07/11/2007 have been fully considered but they are not persuasive. Therefore, rejected to claims 1-16 is maintained.

**a. The applicant argues** that Messinger fails to teach, "receiving a command from a user to display the first work pane and the second work pane simultaneously; and displaying the first work pane and the second work pane in the window".

**The examiner respectfully** submits that Messinger specifically teaches receiving a command from a user (fig. 1, labels 28, 29b; col. 5, lines 52-55, is a single command from the user via a pull down menu) to display the first work pane and the second work pane simultaneously (fig. 2, labels 43 and 50 are the first and second panes (areas); col. 5, lines 63-65, that the task list 43 and main display area are displayed at the same time); and displaying the first work pane and the second work pane in a window (labels 40a-40e, 40g is the GUI window in all applicable figures; col. 2, lines 21-24; col. 5, lines 45-48). Based on labels 40a-40e, 40g is the GUI window in all applicable figures it clearly shows that the first and second pane (areas) are displayed at the same time with the exception of label 40f, which is clearly removed from display in figure 13B. Therefore, independent claim 1 and all dependent claims are not allowed as being anticipated by Messinger.



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**b. The applicant argues that** Messinger does not show or suggest displayed more than one pane in the same window as discussed above, claim 8 is not anticipated by Messinger”.

**The examiner respectfully** submits that Messinger specifically teaches the sequence of features recited in claim 8 indicate that all three panes (fig 13A, labels 50, 43, 400; col. 11, lines 57-67, that as shown in screen view 40e all three panes are displayed) are displayed in the same window (fig. 2, labels 43 and 50 are the first and second panes (areas); col. 5, lines 63-65; label series 40a-40g is the GUI window in all applicable figures; col. 2, lines 21-24; col. 5, lines 45-4; fig. 13A, label 400, that label “400” is the third pane) Therefore independent claims 8, 9, 16 and all dependent claims are not allowed as being anticipated by Messinger.

*It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332- 33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).*

*The Examiner notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825,159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).*

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258. The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO

BA HUYNH  
PRIMARY EXAMINER